BEFORE THE IN RE * ZONING COMMISSIONER PETITION FOR ZONING VARIANCE * FOR SW/S Falls Road, Corner E/S I-83 * BALTIMORE COUNTY 3rd Election District 2nd Councilmanic District * Case No. 89-530-A Sorrento Run Joint Venture-Petitioner * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Variance to permit a 307 foot elevation width of attached dwellings in lieu of the maximum width of 300 feet for Lots No. 16-20, and a Variance to permit a 319 foot elevation width of attached dwellings in lieu of the maximum width of 300 feet for Lots No. 38-42.

The Petitioner was represented by Howard L. Alderman, Jr., Esquire. Mr. J. Weiss, a principal of Petitioner, and Mr. David Thaler, a principal of D. S. Thaler Associates, Inc., were available for testimony. There were no protestants.

The evidence proffered by Mr. Alderman showed that Petitioner, pursuant to an approved CRG Plan, was proposing a total of 45 residential dwelling units for Section 01, in lieu of the 51 units permitted. The subject site zoned D.R.-1, consisting of 51.24 acres, more or less, is situated between the Jones Falls Expressway and Falls Road. The proffered evidence showed that there were significant topographic constraints on the site, as well as large quantities of hydric soils. The site, and the buildings to be constructed were designed to achieve quality,

residential development. All plans for the development of the site, were complete y reviewed by the Department of Environmental Protection and Resource Management, the Army Corps of Engineers, the State Water Quality Certificate Agency, and the Soil Conservation Service. Testimony presented indicated the proposed development will be in complete compliance with all environmental requirements.

The Petitioner has designed the site, including the proposed density, to prevent possible encroachment on the steeper slopes or any hydric soils. To enable the development of the site, the Petitioner has proposed larger units, selling for approximately \$400,000 to \$500,000 each, in lieu of the maximum permitted density. Petitioner's Exhibit No. 1 shows clearly the location and arrangement of Lots 16 to 20 and Lots 38 to 42. The Variances requested are minimal and in keeping wit. the spirit and intent of the zoning regulations.

An Area Variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and its property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an Area Variance the Petitioner must show the following:

- Whether strict compliance with the requirements would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily
- Whether the grant would do substantial justice to the applicant, as well as other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief; and

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section __ 1801.2.B.2 to permit a 307 foot elevation width of attached

dwellings for Lots No. 16-20 and from BCZR Section 1BO1.2.B.2 to permit a 319 foot

maximum authorized width of 300 feet.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the AP MWCC following reasons: (indicate hardship or practical difficulty)

elevation width of attached dwellings for Lots No. 38-42, both in lieu of the

1. The site-specific topographic conditions present severe limitations on the

2. Strict compliance with the applicable regulations will result in great

TO THE ZONING COMMISSIONER OF BALTIMOPE COUNTY:

development of this property.

____M.

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DATE STATE

Whether relief can be granted in such a fashion that the spirit of the ordinance would be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Based upon the proffered evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject Variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with B.C.Z.R. would result in practical difficulty and/or unreasonable hardship to the Petitioner.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, the requested Variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this American day of JULY , 1989, that the Petition for Zoning Variance to permit a 307 foot elevation width of attached dwellings for Lots No. 16-20 and a 319 foot elevation width of attached dwellings for Lots No. 38-42, both in lieu of the maximum permitted width of 300 feet in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTION WHICH IS A CONDITION PRECEDENT TO THE RELIEF GRANTED:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, the

Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> Ann M. Nastarowicz, Deputy Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

July 12, 1989

Julius W. Lichter, Esquire 305 W. Chesapeake Avenue, Suite 113 Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE SW/S Falls Road, Corner of I-83 (644' W of the c/l of Providence Road 3rd Election District - 2nd Councilmanic District Sorrento Run Joint Venture - Petitioners Case No. 89-530-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

* In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, M Nastewie

for Baltimore County

Deputy Zoning Commissioner

Dennis F. Rasmussen

AMN:bjs

cc: People's Counsel

File

1/1 F practical difficulty to the Petitioner. 1000 11 Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): Sorrento Run Joint Venture (Type or Print Name) JUHN W SHILLING, JE The Print Name) City and State Attorney for Petitioner: c/o Lshley Group, LTD. Milius W. Lichter, Esquire 3655 "A" Old Court Road -Suite 1 Type or Print Name Baltimore, MD 21208 486-1366 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted (Jowson, MD Julius W. Lichter -----Name Suite 113 Morney's Telephone No.: 301-321-0600 305 W. Chesapeake Ave. 301-321-0600 Towson, MD 21204 26 day required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____day of ______ uncl., 19 17, at 7.30 o'clock

A Relat Meino

DESCRIPTION OF AREA OF VARIANCE REQUEST SORRENTO RUN, SECTION ONE

Beginning for the first at a point on the northerly right-of-way line of Halston Court which point is 1550 feet more or less northwesterly along the centerline of Falls Road from its intersection with Coppermine Terrace and approximately 2130 feet, more or less, from the intersection of Falls Ro d and the centerline of proposed Fairford Lane, measured along the centerline of Fairford Lane, Newstead Lane and Halston Court; thence, binding upon the northerly right-of-way line of Halston Court South 74° 56'56" West 28.64; thence, by a curve to the right having a radius of 117.00, a length of 62.85 feet and a chord of North 89° 39'41" West 62.10 feet; thence, by a curve to the left having a radius of 143.00 feet, a length of 254.80 feet and a chord of South 54° 41'01" West 222.41 feet; thence, leaving the said right-of-way, the following eight courses and distances:

1. North 78 20'43" West 59.52 feet to a point;

2. North 29° 58'50" West 118.00 feet to a point;

North 60° 01'10" East 195.00 feet to a point;

5. North 60°01'10" East 55.00 feet to a point;

4. South 29 58'50" East 10.00 feet to a point;

6. South 29° 58'50" East 20.00 feet to a point;

7. North 60° 01'10" East 85.00 fet to a point; and

8. South 29° 58′ 50" East 161.42 feet to point of beginning.

Containing .994 acres of land more or less and being Lots 16 through 20, Section One, Sorrento Run.

430

Beginning for the second at a point on the southerly right-of-way line of Newstead Lane, which point is approximately 2530 feet from the intersection of the centerline of Falls Road and the centerline of Fairford Lane, measured along the centerline of Fairford Lane and Newstead Lane; thence, binding upon the right-of-way line of Newstead Lane, the following three (3) courses and distances:

1. North 68° 01'53" East 20.00 feet to a point;

2. North 21°58'07" West 91.00 feet to a point;

3. South 68°01'53" West 20.00 feet to a point; and thence, leaving said right-of-way line

4. North 06°27'50" East 57.23 feet to a point;

A TOP TO THE REAL PROPERTY.

North 21° 58'07" West 74.67 feet to a point;

North 68° 01'53" East 83.75 feet to a point;

South 21°58'07" East 91.00 feet to a point;

8. North 68° 01'53" East 16.00 feet to a point;

South 21°58'07" East 55.00 (eet to a point;

10. North 68°01'53" East 4.00 feet to a point; 11. South 21° 58'07" East 55.00 feet to a point;

12. South 68°01'53" West 4.00 feet to a point;

13. South 21°58'07" East 55.00 feet to a point;

14. South 68°01'53" West 16.00 feet to a point;

15. South 21'58'07" East 86.00 feet to a point: 16. South 68°01'53" West 83.83 feet to a point;

17. North 21° 58'07" West 69.67 feet to " point; and

North 47'43'06" West 62.54 feet to the point of beginning.

page 3

Containing 0.772 acres of land, more or less and being Lot Nos. 38 through 42, Section One, Sorrento Run.

Being two parcels of and shown on the Second Amended Record Plat of Section One, Sorrento Run, as intended to be recorded.

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 5655 QU) COURT KD 21208 11 WARREN TO, BALT MD 21208 BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: June 30, 1989

TO: J. Robert Haines Zoning Commissioner

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-530-A Item No. 430

Re: Sorrento Run Jeint Venture

The Petitioner requests a variance to permit residential buildings 307 The recucione: requests a variance to permit residential bullurings 307 feet and 319 feet in elevation width in lieu of the required 300 feet. reer and 319 reer in elevation which in freu of the required 300 fet.
In reference to this request, staff offers the following comments:

The site obtained CRG approval for the proposed use on July 10, 1986 (File No. III-302). The approved zoning plan should conform to the (File No. 111-302). The approved zoning plan should conform to the approved CRG plan and the final landscape plan. The lots have been recorded in the Land Records of Baltimore County in S.M. 59. Folio 114.

This office has no objection to the proposed variances.

A:63089.txt pg.5

1100 tq R. 1st floor \$41 me harts o seen - gran man o per harts of the seen for the s STATE FUNDED PROJECTS ORDER NO E-7956 DATE May 23 1999 THE NORTHWEST STAR Cost of Advertisement 5 2/60

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

May 19, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-530-A SW/S Falls Road, corner E/S I-83 3rd Election District - 2nd Councilmanic Petitioner(s): Sorrento Run Joint Venture HEARING SCHEDULED: FRIDAY, JUNE 30, 1989 at 9:30 a.m.

Variance: To permit a 307 foot elevation width of attached dwellings for Lots No. 16 - 20 and to permit a 319 foot elevation width of attached dwellings for Lots 38 - 42, both in lieu of the maximum authorized width of 300 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. 1. Platines

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Sorrento Run Joint Venture Julius W. Lichter, Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21201 (301) 887-3353 J. Robert Haines Zoning Commissioner

Date: 6.9.89 Sorrento Run Joint Venture c/o Ashley Group, LTD.

Baltimore, Maryland 21208 ATTN: JOHN W. SHILLING, JR.

Re: Petition for Zoning Variance CASE NUMBER: 89-530-A SW/S Falls Road, corner E/S I-83

3655 "A" Old Court Road, Suite 1

3rd Election District - 2nd Councilmanic Petitioner(s): Sorrento Run Joint Venture HEARING SCHEDULED: FRIDAY, JUNE 30, 1989 at 9:30 a.m.

Flease be advised that \$\frac{78.30}{\text{referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the time it is posted by this office unit! the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN & FOST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, Comity Office Building, Room III. Towson, Maryland 21204 fifteen BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT DATE	P-01-615-000	
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FOR: Pallyal/30/Hearing		
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Dennis F. Rasmussen

will be an additional

NOTICE OF HEARING

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Petition for Zoning Variance Case number: 89-530-A SWS Falls Road, corner E/S

Sorrento Run Joint Venture Hearing Date: Friday, June 30, 1989 at 9:30 a.m.

Variance: to permit a 307 foot

3rd Election District

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____successive

THE JEFFERSONIAN,

elevation width of attached dwellings for Lots No. 16 -20 and to permit a 319 foot elevation width of attached dwellings for Lots 38 - 42, both in lieu of the the maximum authorized width of 300 feet. In the event that this Petition is in the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

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